

Germany (Brunswick and Luneburg)

INHERITANCE

Convention signed at Washington August 21, 1854

*Senate advice and consent to ratification, with an amendment, March 3, 1855*¹

Ratified by Brunswick March 31, 1855

*Ratified by the President of the United States, with an amendment, July 10, 1855*¹

Ratifications exchanged at Washington July 28, 1855

Entered into force July 28, 1855

Proclaimed by the President of the United States July 30, 1855

Obsolete

11 Stat. 601; Treaty Series 38²

The President of the United States of America and his Highness the Duke of Brunswick & Luneburg, animated by the desire to secure and extend, by an amicable convention, the relations happily existing between the two countries, have, to this effect, appointed as their plenipotentiaries, to wit: the President of the United States of America, William L. Marcy, Secretary of State of the United States; and his Highness the Duke of Brunswick and Luneburg, Dr. Julius Samson, His said Highness' Consul at Mobile, Alabama; who, after the exchange of their full powers, found in good and due form, have agreed upon and signed the following articles:

ARTICLE I

The citizens of each one of the high contracting parties shall have power to dispose of their personal property, within the jurisdiction of the other,

¹ The U.S. amendment called for adding in art. I, after the words "within the jurisdiction of the other", the phrase "subject to the laws of the State or country, where the domicil is, or the property is found".

The text printed here is the amended text as proclaimed by the President.

² For a detailed study of this convention, see 6 Miller 851.

subject to the laws of the State or country, where the domicil is, or the property is found; either by testament, donation, or *ab intestato*, or in any other manner; and their heirs, being citizens of the other party, shall inherit all such personal estates, whether by testament or *ab intestato*, and they may take possession of the same, either personally or by attorney, and dispose of them as they may think proper, paying to the respective governments no other charges than those to which the inhabitants of the country in which the said property shall be found would be liable in a similar case; and, in the absence of such heir, or heirs, the same care shall be taken of the property that would be taken, in the like case, for the preservation of the property of a citizen of the same country, until the lawful proprietor shall have had time to take measures for possessing himself of the same; and in case any dispute should arise between claimants to the same succession, as to the property thereof, the question shall be decided according to the laws, and by the judges, of the country in which the property is situated.

ARTICLE II

If, by the death of a person owning real property in the territory of one of the high contracting parties, such property should descend, either by the laws of the country, or by testamentary disposition, to a citizen of the other party, who, on account of his being an alien, could not be permitted to retain the actual possession of such property, such term as the laws of the State or country will permit shall be allowed to him to dispose of such property, and collect and withdraw the proceeds thereof, without paying to the government any other charges than those which, in a similar case, would be paid by an inhabitant of the country in which such real property may be situated.

ARTICLE III

The present convention shall be in force for the term of twelve years from the date hereof; and further, until the end of twelve months after the government of the United States on the one part, or that of His Highness the Duke of Brunswick and Luneburg on the other, shall have given notice of its intention of terminating the same.

This convention shall be ratified, and the ratifications shall be exchanged at Washington within twelve months after its date, or sooner, if possible.

In faith whereof, the respective plenipotentiaries have signed the present convention, and have thereunto affixed their seals.

Done at Washington, this twenty-first day of August in the year of our Lord one thousand eight hundred and fifty-four, and of the Independence of the United States the seventy-ninth.

W. L. MARCY	[SEAL]
JULIUS SAMSON	[SEAL]